



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/384,756 02/07/95 STAV

E 14005/407A

MARCHESTER EXAMINER

A1M1/0528

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ART UNIT PAPER NUMBER

1108

15 #15

DATE MAILED: 05/28/96

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☒ Responsive to communication filed on 2/12/96 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire three month(s), 30 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- ☐ Notice of References Cited by Examiner, PTO-892.
- ☐ Notice of Draftsman's Patent Drawing Review, PTO-948.
- ☐ Notice of Art Cited by Applicant, PTO-1449.
- ☐ Notice of Informal Patent Application, PTO-152.
- ☐ Information on How to Effect Drawing Changes, PTO-1474.
- ☐

Part II SUMMARY OF ACTION

1. ☒ Claims 1-11, 17-27 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. ☒ Claims 12-16, 28-37 have been cancelled.

3. ☒ Claims 1-4, 8, 11, 17-18, 21, 23, 24, 26 are allowed.

4. ☒ Claims 5-7, 9, 10, 19, 20, 22, 25, 27 are rejected.

5. ☐ Claims _____ are objected to.

6. ☐ Claims _____ are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).

12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

Serial Number: 08/384,756

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Art Unit: 1108

Claims 5-7, 9, 10, 19, 20, 22, 25 and 27 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 5, 6, 9, 10 and 20 are indefinite because the pozzolanic filler lacks antecedent basis.

Claims 6 and 10 are indefinite because a trademark (i.e. FILLITE) can not be used in a claim.

Claims 7, 22 and 27 are indefinite because the grouping of the additional component is not properly defined. It is suggested that this be changed to "further comprising at least one component comprising...or...).

Claims 19 and 25 are indefinite because the phrase "of paragraph (b)" adds confusion to the claim.

Claim 20 is indefinite because the phrase "of paragraph (d)" adds confusion to the claim.

Claims 1-4, 8, 11, 17, 18, 21, 23, 24 and 26 are allowable over the prior art of record.

Applicant's arguments with respect to claim 1-11 and 17-27 have been considered but are deemed to be moot in view of the new grounds of rejection. |

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Marcheschi whose telephone number is (703) 308-3815. The examiner can be normally be reached on Monday through Thursday between the hours of 8:30-6:00 and every other Friday between the hours of 9:30-6:00.

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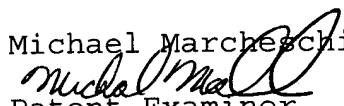
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If attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, Mark L. Bell, can be reached at (703) 308-3823.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Michael Marcheschi


Patent Examiner

Group 1100

5/24/96